

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO. 431 OF 2013
WITH
CIVIL APPLICATION NO. 1699 OF 2013 IN F.A. NO. 431 OF 2013**

M/s. Jalwahini Cement Pipe Industries
& Anr. ... Appellants/applicants
Vs.
Sou. Nirmala Shrigopal Sarda & Ors. ... Respondents

Mr. Mahesh V. Rawool i/b. Mr. Avinash B. Avhad, Advocate for the
appellants/applicants.
Mr. Sarthak Diwan i/b. Mr. A.M. Kulkarni, Advocate for respondent no. 1.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 4th March, 2016.

P.C.:

The learned counsel for the appellants submitted that Executing Court has fixed the matter on 7th March, 2016. He prays that the said execution be stayed. He also pointed out that this Appeal is valued below Rs.1 crore and, therefore, it is to be transferred to District Court, Sangli or alternatively, he prays that he be allowed to withdraw the said Appeal with liberty to file a fresh Appeal before the District Court, Sangli, as there is urgency.

2. The learned counsel for the respondents is present.
3. As per the submissions of learned counsel for the appellants,

execution proceedings are fixed on 7th March, 2016 before the Executing Court. This Appeal cannot be transferred in a day to the District Court, Sangli as there is a weekend, therefore, the learned counsel is allowed to withdraw this Appeal with liberty to file fresh Appeal before the District Court, Sangli to meet the urgency.

4. The District Court, Sangli to act upon the authenticated copy of this order.

5. First Appeal is dismissed as withdrawn. In view of this, Civil Application does not survive and the same is accordingly disposed of.

(MRIDULA BHATKAR, J.)